



09-25-02

MP#5
Rd 89

RESPONSE - NOTICE OF MISSING PARTS
PATENT

Attorney Docket No.: A34614-A-PCT-USA-A (070050.1921)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fisher *et al.*
Serial No.: 10/055,475 Examiner: To Be Assigned
Filed: January 22, 2002 Group Art Unit: 1636
For: MDA-5 AS AN ANTIVIRAL AND ANTIPROLIFERATIVE AGENT

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

BY EXPRESS MAIL- LABEL NO.: ET346773530US

September 24, 2002

Assistant Commissioner for Patents
Box: Missing Parts
Washington, DC 20231

Sir:

Responsive to Notice To File Missing Parts Of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b) mailed on March 26, 2002, a copy of which is enclosed, enclosed herewith are two executed Combined Declaration and Power of Attorney documents referring to the above-identified application by one or more of the following in compliance with 37 C.F.R. § 1.63:

- ☒ [X] Name of inventor and application serial number;
 - ☒ [X] Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
 - ☒ [X] Name of inventor, title of invention and filing date;
 - ☐ [] Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;
 - ☐ [] Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.
- [X] A Copy of the Notice to File Missing Parts of Nonprovisional Application is enclosed.
- [X] An extension of time to respond to the Notice to File Missing Parts is respectfully requested.

- [X] Sequence Listing Declaration including paper and computer-readable copies of Sequence Listing
- [X] Petition to Amend Drawing including, calculated pursuant to 37 C.F.R. § 1.17(h), the required fee in the amount of \$130.00

Extension for response (check only one):

	<u>SMALL ENTITY</u>	<u>OTHER THAN A SMALL ENTITY</u>
Within first month	<input type="checkbox"/> \$ 55	<input type="checkbox"/> \$ 110
Within second month	<input type="checkbox"/> 200	<input type="checkbox"/> 400
Within third month	<input type="checkbox"/> 460	<input type="checkbox"/> 920
Within fourth month	<input checked="" type="checkbox"/> 720	<input type="checkbox"/> 1,440

The required extension of time fee is \$ 720.00

- [X] Surcharge for late filing of submission of Declaration pursuant to 37 C.F.R. § 1.16(e) is \$ 65.00
 ☐ \$130 - Other than Small Entity
 ☒ \$ 65 - Small Entity

[X] Petition Fee \$ 130.00

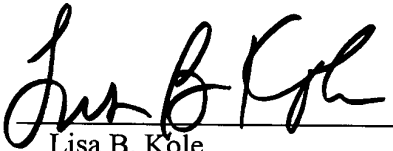
TOTAL FEE \$ 915.00

- [X] A check in payment of \$915.00 is enclosed.
- ☐ Please charge our Deposit Account No. 02-4377 in the amount of \$. Duplicate copies of this sheet are enclosed.
- [X] If any additional fees are due in connection with the submission of this paper, including any fees required for an extension if time, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 02-4377. Duplicate copies of this sheet are enclosed.

Attorney Docket No.: A34614-A-PCT-USA-A (070050.1921)

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

Lisa B. Kole

Patent Office Reg. No. 35,225

Anthony Giaccio

Patent Office Reg. No. 39,684

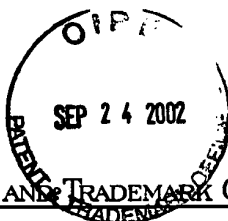
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Attorneys for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/055,475	01/22/2002	Paul B. Fisher	A34614-A-PCT-USA-A (07005)

CONFIRMATION NO. 9003

FORMALITIES LETTER



OC000000007719249

BAKER BOTTS L.L.P.
44TH FLOOR
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112-0228

Date Mailed: 03/26/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

09/26/2002 SSITHIB1 00000133 10055475

- For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE